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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Detention of international civil servants and their families

Updated report of the Secretary-General prepared pursuant to Commission on Human Rights resolution 1994/42

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INTRODUCTION

1. In 1987, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1987/21, by which it expressed deep concern that some 50 staff members were detained, imprisoned, reported missing - some having even died in detention - or held in a country against their will. Conscious that the rights of United Nations staff members should be given particular attention in view of the responsibility entrusted to the Organization in the area of human rights, the Sub-Commission requested the Secretary-General to submit to it, at its fortieth session, a detailed report on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, in order to enable it to consider those cases in the light of the international instruments relating to human rights.

2. At its forty-fifth session, the Commission on Human Rights adopted resolution 1989/28 on this subject. In that resolution the Commission took note of the report (E/CN.4/1989/19) submitted by the Secretary-General as an updated version of the report on detention of staff members of the United Nations and its specialized agencies presented to the Sub-Commission at its fortieth session (E/CN.4/Sub.2/1988/17).

3. Subsequently the Commission, after consideration of various reports submitted by the Secretary-General, requested him to continue his efforts to ensure that the human rights and privileges and immunities of United Nations staff members and experts and their families were fully respected and to submit to the Commission an updated report on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled during the year, as well as on the implementation of the measures referred to in paragraphs 3 and 4 of resolution 1989/28. 1/

4. At its forty-eighth session, the Commission adopted resolution 1992/26 in which it, inter alia, requested the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families are fully respected and to seek redress and compensation for the damage caused to those whose human rights, privileges and immunities had been violated, as well as their full integration. It also requested the Secretary-General once again to submit to the Commission at its forty-ninth session an updated version of the report.

5. At its forty-ninth session, after consideration of the report contained in document E/CN.4/1993/22, the Commission adopted resolution 1993/39 in which it requested the Secretary-General once again to continue his efforts to ensure that the rights and privileges of United Nations staff members and their families are respected and in particular requested the existing human rights mechanisms, including the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of torture and the

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1/ The report submitted by the Secretary-General are contained in documents E/CN.4/Sub.2/1988/17, E/CN.4/1989/19, E/CN.4/1990/14, E/CN.4/1991/18 and E/CN.4/1993/22.

Special Rapporteur on extrajudicial, summary or arbitrary executions, to examine as appropriate the cases involving the human rights of staff members of the United Nations system and their families, as well as experts, special rapporteurs and consultants, and to transmit the relevant part of their reports to the Secretary-General for inclusion in his next report to the Commission on Human Rights. It also requested the Secretary-General to submit to the Commission at its fiftieth session an updated version of the report. At its fiftieth session, after considering the report (E/CN.4/1994/30), the Commission adopted resolution 1994/42, in which it requested the Secretary-General to submit to it at its fifty-first session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled since the presentation of the last report, as well as on the implementation of the measures referred to in the resolution. The present report is submitted pursuant to this request.

6. For its part, the Sub-Commission considered at its forty-first session the preliminary report (E/CN.4/Sub.2/1989/28), entitled "Protection of the human rights of United Nations staff members, experts and their families" submitted by Mrs. Mary C. Bautista pursuant to its resolution 1988/9. The Sub-Commission adopted resolution 1989/30 in which it invited Mrs. Bautista to continue her study and to submit a report to the Sub-Commission at its forty-second session, with proposals for practical measures to improve the present system and ensure that staff members of the United Nations and the specialized agencies were protected.

7. Mrs. Bautista presented her updated report (E/CN.4/Sub.2/1990/30) to the Sub-Commission at its forty-second session. In its introduction, the report contained an analytical survey of the problems in their various dimensions, including the legal rights of the United Nations in cases of arrest or detention of staff members.

8. Pursuant to Sub-Commission resolution 1990/20, Mrs. Bautista requested the Governments of Afghanistan, Chad, Ethiopia, Israel, Jordan, Nepal, Somalia and the Syrian Arab Republic to provide her with any information or comments they might have with regard to staff members who, to her knowledge, were being held in detention in those countries. She also requested the United Nations Security Coordinator and the heads of specialized agencies and other intergovernmental organizations to provide her with information on the violations of human rights of staff members and their families, as well as on resolved and pending cases of violations of human rights of those persons, on steps which had been taken to assist them and possible suggestions on how to avoid the recurrence of such incidents. Information was also requested on the matters raised in paragraphs 3 and 4 of Sub-Commission resolution 1989/30.

9. **In the same resolution, Mrs. Bautista was requested to submit a final version of her report to the Sub-Commission at its forty-third session. However, in view of the fact that only a few additional replies had been received, the Special Rapporteur requested the Sub-Commission's authorization to defer her final report (E/CN.4/Sub.2/1991/23, para. 12).**

10. In its resolution 1991/17, the Sub-Commission noted with regret the limited number of replies received from Governments and organizations of the United Nations system and requested the Secretary-General to redouble his efforts to ensure that the human rights and privileges and immunities of the personnel of the United Nations system and their families, as well as experts and consultants, were fully respected. The Sub-Commission invited the Special Rapporteur to submit a final report at its forty-fourth session, including practical recommendations for measures to improve, on a long-term basis, the protection of personnel of the United Nations system and their families, as well as experts and consultants.

11. In accordance with paragraph 6 of Sub-Commission resolution 1991/17, the Special Rapporteur once again addressed, on 16 December 1991, notes verbales to Governments and letters to the Secretary-General of the United Nations and to the heads of specialized agencies requesting additional information. Replies were received from the Governments of Chile, China, Israel, Pakistan, the Sudan and the Syrian Arab Republic. The United Nations Security Coordinator also replied. In addition, replies were received from the United Nations Development Programme, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Economic Commission for Latin America and the Caribbean, the United Nations Industrial Development Organization and the World Meteorological Organization.

12. The Special Rapporteur submitted her final report to the forty-fourth session of the Sub-Commission in August 1992 (E/CN.4/Sub.2/1992/19), incorporating a set of recommendations, which were reproduced for the guidance of the Commission in the report of the Secretary-General to its forty-ninth session (E/CN.4/1993/22, sect. IV).

13. The Special Rapporteur pointed out that the submission of a final report by no means implied that an adequate solution had been found to the problem in question. She noted that ad hoc measures had been taken by the administrations of the various organizations in the United Nations system to rehabilitate and reintegrate some staff members whose rights had been violated. In addition, she noted that, following the landmark decision of the United Nations Administrative Tribunal (No. 482 of 25 May 1990) on secondment, confidence in the principle of the independence of international civil servants had gradually been restored and Articles 100 and 105 of the Charter reaffirmed.

14. The Sub-Commission subsequently adopted resolution 1992/24 in which it recommended to the Commission on Human Rights that it request the existing human rights machinery, including the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearance, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to examine the cases involving the human rights of staff members of the United Nations system and their families, as well as experts, special rapporteurs and consultants, and to transmit the relevant parts of their respective reports to the Secretary-General for inclusion in his report to the Commission on Human Rights under item 10 of its agenda.

15. The Sub-Commission in addition requested the Secretary-General to present a report annually to the Third Committee of the General Assembly on the implementation of protective measures and on redress for possible harm caused.

16. The General Assembly, in its resolution 45/240 of 21 December 1990, took note with grave concern of the report of the Secretary-General (A/C.5/45/10 and Corr.1) and of the developments indicated therein, in particular the significant number of new cases of arrest and detention and those regarding previously reported cases under that category. In the same resolution, the General Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, as well as the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions. The Assembly urged the Secretary-General to give priority to the reporting and prompt follow-up of cases of arrest, detention and other possible matters relating to the security and proper functioning of officials of the United Nations and the specialized agencies and related organizations.

17. Subsequently, the Secretary-General submitted to the General Assembly at its forty-sixth session his report "Personnel questions: respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations" (A/C.5/46/4). However, pursuant to General Assembly resolution 46/220 of 20 December 1991 on the rationalization of the work of the Fifth Committee, the Assembly decided to adopt the biennial approach for matters related to personnel questions and no resolution was adopted at the forty-sixth session.

18. The report of the Secretary-General to the General Assembly at its forty-seventh session (A/C.5/47/14) was therefore submitted pursuant to the same Assembly resolution, 45/240 of 21 December 1990. The Assembly also had before it a note by the Secretary-General containing the views of the staff representatives of the United Nations Secretariat (A/C.5/47/20). The Assembly adopted resolution 47/28 on the issue in which it requested the Secretary-General to take all necessary measures to ensure the safety of United Nations personnel, as well as those engaged in peace-keeping and humanitarian operations. It reminded host countries of their responsibility for the safety of peace-keeping and all United Nations personnel on their territory. The Assembly also requested the Secretary-General to continue to submit, on behalf of the Administrative Committee on Coordination, reports concerning respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations.

19. In the light of the concern expressed at the developments referred to in the report of the Secretary-General, the General Assembly decided at its resumed forty-seventh session that, despite its previous resolution providing that personnel questions should be considered on a biennial basis (46/220), the Secretary-General should be requested to submit to its forty-eighth session updated information on the situation of United Nations staff members with special regard to violations of privileges and immunities, taking into account its resolutions 45/240 of 21 December 1990 and 47/28 of 25 November 1992 (decision 47/457 C of 8 April 1993). This information, in a note submitted by the Secretary-General, is contained in document A/C.5/48/5.

20. In the light of the above-mentioned developments and in compliance with Commission on Human Rights resolution 1994/42, the present report describes recent developments related to the situation of staff members of various United Nations bodies in chapter I. Chapter II describes one re-opened case and cases that have recently been clarified. Chapter III focuses on action and proposals to further respect for the human rights of international civil servants, including those serving in peace-keeping missions.

I. RECENT DEVELOPMENTS

A. Report by the Secretary-General to the General Assembly

21. The report submitted by the Secretary-General to the General Assembly on respect for the privileges and immunities of officials of the United Nations system (A/C.5/49/6) covers the period from 1 July 1993 to 30 June 1994. In section I, on security and safety of officials, it is stated that a matter of particular concern is the fact that 18 staff members (both international and national) belonging to different organizations lost their lives during the reporting period and through the preparation of the report. Annex II to the Secretary-General's report contains a list of 18 staff members who had lost their lives since 1 July 1993. Annex I to the Secretary-General's report provides a consolidated list of staff members under arrest and detention or missing; the list is reproduced in the present document (annex I). In an addendum to his report (A/C.5/49/6/Add.1), the Secretary-General stated that preliminary information received from a number of agencies indicated that 39 staff members had reportedly been killed in Rwanda during the events of April 1994. The following are the names of the deceased:

Name	Agency
Innocent Butera	UNDP
Abdellaraman Gakwavu	UNDP
Cyridion Habhalimana	UNDP
Thérèse Kabanda	UNDP
Fulgence Kanamugire	UNDP
Angélique Kayijamahe	UNDP
Protais Kayiranga	UNDP
Félix Kayitaba	UNDP
André Kayumba	UNDP
Laurent Mbaga	UNDP
Emmanuel Mbanziliza	UNDP
Festus Ndayisaba	UNDP
Florence Ngirumpatse	UNDP
Assiel Nsengimana	UNDP
Aloys Nyabutsitsi	UNDP
Dancilla Rushemeza	UNDP
Emmanuel Turatsinze	UNDP
François Gasana	UNHCR
Gaspard Gashagaza	UNHCR
Jean B. Gisa	UNHCR
Odette Mukashefu	UNHCR
Albert Mwigishwa	UNHCR

Name	Agency
J. Nyakagaragu	UNHCR
Sixte Rugema	UNHCR
Théophile Rutagengwa	UNHCR
François Rutayigirwa	UNHCR
Anicet Senjeje	UNHCR
Marcel Twagirayezu	UNHCR
Jean D. Gihana	UNICEF
Laurent Kalinganire	UNICEF
Charles Kalisa	UNICEF
Aloys Kayibanda	UNICEF
Jérome Kayitare	UNICEF
Visteur Nshimiyana	UNICEF
Michel Rudaseswa	UNICEF
Théogène Rudasingwa	UNICEF
Longin Rukanika	UNICEF
Jean D. Senyana	UNICEF
Pauline Tuyisenge	UNICEF

The list should include the name of Mr. Damascene Sindikubwabo, a staff member of the Economic Commission for Africa, killed in Rwanda on 8 June 1994. The details of this case are summarized below.

B. Information submitted by individual organizations and United Nations subsidiary organs and offices or joint subsidiary organs

1. Economic Commission for Africa

22. Mr. Andualem Zeleke (Ethiopia) a locally recruited staff member of ECA, has been detained since 25 June 1993. The Ministry of Foreign Affairs of the transitional Government of Ethiopia advised that his case will be taken up together with that of others who allegedly have been involved in the Red Terror of the previous regime. Mr. Nadew Kassa, dependent son of Mr. Tsegaye Kassa (Ethiopia), a locally recruited staff member of ECA, has been detained since early February 1994. No reply as to the reasons for his arrest has been provided by the Government authorities.

23. Mr. Damascene Sindikubwabo (Rwanda), a locally recruited staff member of the ECA regional office in Gisenyi, was killed on 8 June 1994 on the office premises. According to reports, the ECA regional office in Gisenyi was occupied, apparently by Government forces, and the premises sustained some damage.

24. At the beginning of September 1993, armed Government troops intruded upon the ECA compound on two occasions. The incidents were reported to the authorities. The rented apartment in Addis Ababa of an ECA staff member on mission in New York was illegally occupied for more than one year. Eventually the Government authorities investigated the case and the staff member was able to recover some of her belongings.

2. United Nations Relief and Works Agency for Palestine Refugees in the Near East

25. During the period from 1 July 1993 to 30 June 1994, there was a significant reduction, in comparison with the preceding year, in the number of staff members in the West Bank and Gaza Strip who were arrested, held in detention without trial and subsequently released; however, eight staff members in the West Bank remained in detention at the end of the reporting period, in comparison with only three at the end of the preceding year, though in the Gaza Strip this number dropped from 23 to 10. The number of staff arrested and detained in the Syrian Arab Republic was three, in Jordan one and in Lebanon one. The total number of staff so detained during the reporting period was 51, of whom 28 were arrested and released without charge or trial, and 5 were charged, tried and sentenced. The remaining 18, all staff members in the West Bank and Gaza Strip as described above, were still in detention on 30 June 1994.

26. Of the 16 staff members reported in last year's report (see E/CN.4/1994/30, para. 29) as having been deported to Lebanon, all had returned with the permission of the Israeli authorities by December 1993; four were thereupon placed in detention, although by the end of the reporting period all but one of these had been released. Subsequent to the Agreement on the Gaza Strip and the Jericho area, signed at Cairo on 4 May 1994, a number of Palestinians, including four staff members, were transferred from prisons in the Gaza Strip to detention centres and prisons in Israel.

27. Although the Agency made frequent approaches to the relevant authorities during the reporting period, UNRWA was not provided with adequate and timely information as to the reasons for the arrest and detention of its staff members. UNRWA had access to 3 staff members from the West Bank and 20 from the Gaza Strip detained in prisons and detention centres in the West Bank, the Gaza Strip and Israel. The treatment of staff members in detention continued to be a matter of considerable concern to the Agency, with staff members both in detention and upon their release complaining of having been subjected to various forms of physical and psychological mistreatment. Despite continued approaches by the Agency to the relevant Governments, the Agency was unable to visit staff detained in Jordan, Lebanon and the Syrian Arab Republic.

28. Difficulties continued in relation to the movement of staff members into and out of the West Bank and Gaza Strip. As reported in previous years, there were lengthy delays by the Israeli authorities in the clearance of official travel for locally recruited staff. The particular restrictions on movement from the West Bank and Gaza Strip to Israel and East Jerusalem, as described in the Secretary-General's 1993 report (A/C.5/48/5), continued during the reporting period, with the Israeli authorities insisting on the establishment of a system of exit permits, which delayed and in some cases prevented staff members from entering East Jerusalem and Israel from the West Bank and the Gaza Strip; tighter restrictions were imposed with the closure of the West Bank and the Gaza Strip following the massacre at the al-Ibrahimi mosque in the town of Hebron on 25 February 1994. Difficulties were experienced by the Agency in the Gaza Strip in securing exit permits for its drivers, though by the end of the reporting period this had ceased to be a particular problem. In relation to movement within the West Bank and the Gaza Strip, the

imposition of curfews constituted a further impediment to the movement of staff, with the Israeli authorities continuing to insist that locally recruited staff members could operate only if in possession of curfew permits; in the Gaza Strip, procedures to obtain and renew curfew permits were subjected to lengthy delays by the Israeli authorities, though following the entry into force of the provisions of the Cairo Agreement on the Gaza Strip and the Jericho area (4 May 1994) towards the end of the reporting period, curfew passes needed no longer to be obtained from the Israeli authorities. The arbitrary declaration of closed military areas by the Israeli authorities continued to impede the official movement of staff members, both international and locally recruited.

29. For the greater part of the year under review, UNRWA staff in the West Bank and the Gaza Strip performed their duties in the context of ongoing violence and the Agency continued to be concerned about the safety of staff, both locally recruited and international. Staff members faced various forms of mistreatment by members of the Israeli security forces, including injury by live and other forms of ammunition, beatings, and threatening and abusive behaviour. At times they also faced threats and attacks by Israeli settlers in the occupied territory and by certain elements in the Palestinian population. Such incidents of mistreatment were protested by the Agency to the appropriate authorities, and appropriate follow-up action was undertaken by the Agency.

30. During the reporting period, two staff members were killed in Lebanon, both by persons whose identity remained unknown; on 21 July 1993, an UNRWA teacher was shot dead in the presence of his family near Saida and on 15 November 1993 an UNRWA head teacher was shot dead as he was leaving his school near Saida. In addition, on 21 October 1993 an UNRWA teacher was shot dead in the town of Gaza by persons unknown. On 28 March 1994 a staff member was shot dead in the Gaza Strip by the Israeli security forces in the context of a confrontation with Palestinian armed elements.

3. Office of the United Nations High Commissioner for Refugees

(a) Deaths

31. On 13 August 1994, a UNHCR international staff member was shot dead in Kirundo, northern Burundi. It is believed that he was caught in gunfire aimed at a local official. On 2 February 1993, one UNHCR local staff member was killed by shell fire near Mostar during an attack on a relief convoy. On 14 August 1993, a local UNHCR staff member was shot dead in Vitez by a sniper firing a high-tensile bullet, which pierced the armoured vehicle in which the staff member was driving. In Somalia, on 18 April 1994, a UNHCR international staff member was fatally shot through the head when an unknown gunman opened fire on the UNHCR aircraft on which he was a passenger while it was taxiing at Afmadu airport.

(b) Injuries

32. On 17 November 1993 a UNHCR local staff member was shot in the shoulder by an unknown assailant while travelling in a UNHCR vehicle in Kakanj in Bosnia and Herzegovina. In Liberia, on 23 September 1993 at Vahun, a refugee

camp and a UNHCR camp were reportedly attacked and bombed by two aircraft under the command of the Economic Commission of African States Military Observer Group (ECOMOG).

(c) Detentions and arrests

33. At Banja Luka, former Yugoslavia, on 15 December 1993, four UNHCR staff were arrested when they went to investigate two explosions at a local mosque; after questioning, they were released. At Dobron, former Yugoslavia, on 27 July 1994, an international and a local staff member were detained by the Bosnian Serbs at Dobron and taken to Visegrad; the Serbs wanted to use the UNHCR staff to bargain for the release of a Serbian family held in Gorazde. At Kasindolska, former Yugoslavia, on 30 May 1994, a UNHCR local staff member, United Nations staff and two journalists were detained at the Kasindolska check-point by the Serb police and taken to Ilidza to be interrogated by the police. At Kiseljak, former Yugoslavia, on 3 September 1993, the newly arrived head of the UNHCR office together with another international staff member and two local staff were stopped by armed soldiers. They were ordered to leave their vehicle and made to lie down on the side of the road; they were then blindfolded, ankles bound together and wrists bound behind their backs. The hijackers left when a British patrol happened to pass by. On 17 February 1994, a UNHCR local staff member was detained in Kiseljak by police.

(d) Assault or robbery

34. On 25 November 1993, at Kiseljak, former Yugoslavia, a local staff member was assaulted and beaten; the vehicle was stolen. On 7 September 1993, at Monrovia, Liberia, a UNHCR convoy was held at a check-point by the United Liberation Movement of Liberia for Democracy (ULIMO) troops who insisted on searching the vehicles. The matter was eventually resolved after some hours by the intervention of Government authorities. On 12 February 1994, at Kigali, Rwanda, two UNHCR staff were stopped at an improvized check-point (boulders, rocks, etc.) by 10 to 12 heavily armed men, robbed of all valuables, radio made unusable by cutting wire; the vehicle was eventually returned. On 7 September 1993, at Hargeisa, Somalia, a UNHCR staff member was ambushed by armed men and robbed; on 9 October 1993, also at Hargeisa, two UNHCR international staff members and local staff were stopped while travelling between the airport and the town and were subjected to an armed attack by unidentified assailants.

(e) Hostage-taking and hijacking

35. On 2 December 1993, at Hargeisa, Somalia, an international staff member was taken hostage by bandits who demanded payment for his release; he was eventually released following the intervention of the local authorities. On 7 December 1993, in Cambodia, a vehicle was hijacked while four staff members were travelling in the Siem Reap district; the staff were assaulted and robbed. On 4 July 1993, in Mozambique, a staff member was wounded during the hijacking of a small chartered aircraft flying from Maputo to Swaziland.

4. United Nations Environment Programme

36. In the review period there were no arrests or detentions of officials of the United Nations or specialized agencies by the Government of Kenya. However, many United Nations officials were the victims of a rising tide of criminal violence in the country. The most serious of these was the murder of a senior official in the course of a vehicle hijacking (12 September 1993), a bandit attack on a UNICEF compound in north-east Kenya which resulted in the death of a pilot attached to UNICEF and the wounding of a UNICEF official (3 September 1993) and finally the serious wounding of an official of the United Nations Centre for Human Settlements, again in the course of an armed hijacking in Nairobi (8 May 1994). In addition to these crimes there have been numerous other crimes directed at United Nations staff, including 15 vehicle hijackings.

5. United Nations Industrial Development Organization

37. During the night of 14 September 1993, while driving a car from Vinkovci to Zagreb to meet with another expert, a UNIDO staff member was detained at a Serbian check-point in the region of Okucani. Although he was in possession of a laissez-passer, the staff member was led away and questioned for three hours. He was obliged to stay the night in his car, under guard. The following day he was questioned further and kept under watch by guards. Efforts by United Nations civilian police to secure his release were initially unsuccessful, and the staff member was obliged to spend a further night in his car under guard. On 16 September 1993, the United Nations civilian police returned to the Serbian check-point with appropriate documentation and the staff member was released accordingly.

38. A UNIDO Associate Expert, Mr. Michael Baran, along with his wife, disappeared while in the immediate vicinity of the Preah Vihear temple on the border between Thailand and Cambodia on 23 May 1994. They have not been seen since. Despite efforts to locate Mr. and Mrs. Baran, it has not been possible to determine their whereabouts.

6. World Food Programme

39. In Afghanistan, in August 1993, Mr. Arif Kobi, a WFP storekeeper under a local special service agreement contract, was arrested by customs officers in Termez, allegedly for smuggling 26.7 million roubles which belonged to WFP; no visits were allowed and WFP remains without news about the staff member. In January 1994 an outbreak of fighting in Kabul trapped four United Nations staff members, including a WFP officer, in a bunker. They were later evacuated by convoy during a cease-fire negotiated by the United Nations. In March 1994, owing to the prevailing security situation, all WFP staff in Mazar had to be evacuated to Termez.

40. On 10 February 1994, in Angola, heavy fighting in Kuite and repeated bombing of Huambo necessitated the evacuation of United Nations agency personnel from those cities. This was done successfully, but caused serious injury to two WFP labourers. On 11 March 1994, at Menoque, heavy shelling between armed adversaries required the evacuation of all international staff, including that of WFP. On 15 April 1994 at Malange, the WFP deputy base

manager was arrested and jailed by local police on an accusation of being an accomplice in drug transport; following the intervention of the WFP Country Director, the staff member was released from jail and placed under house arrest pending investigation. On 20 April 1994 at Lobito, one of the WFP airport stevedores was shot on his way back home by bandits. He was treated in Lobito hospital and reportedly his life is no longer in danger.

41. On 20 April 1994, at Luanda, a WFP car with driver and guard was the subject of a hijack attempt by two armed men; the WFP guard fired at the robbers, killing one and injuring the other. On 15 June 1994, 5 United Nations staff members (including 2 from WFP) and 58 non-governmental organization staff (including 30 of the International Committee of the Red Cross) were taken hostage by UNITA forces in Huambo and not authorized to leave; negotiations resulted in their release on 18 June 1994.

42. In Burundi, on 1 May 1994, a WFP national staff member was killed in an accident linked to ethnic strife. In Cambodia, on 11 August 1993, the house guard of a WFP staff member was stabbed to death by a burglar; police investigations did not result in an arrest. In Kenya, on 27 March 1994, a WFP staff member and his wife were ambushed on the main highway between Nakuru and Naivasha by four young men with knives, pangas and crow bars; both were severely beaten, resulting in broken arms, deep cuts, bruises and severe shock. They were saved by villagers who ran to their rescue. Police are investigating the incident.

43. In Mozambique, at Maputo, on 14 March 1994, a United Nations Volunteer was shot and seriously wounded by armed bandits who escaped with the staff member's vehicle. The staff member had to be evacuated urgently to South Africa for medical intervention. He is fortunately recovering well from his ordeal. In Rwanda, following civil unrest during April 1994, two WFP national staff were reportedly killed. More national staff are still unaccounted for.

44. In Somalia, on 1 January 1994, at Baidoa, one guard was killed and the driver seriously injured (paralysed) when bandits took the WFP vehicle in front of the WFP office in Baidoa. On 10 January 1994, in front of the WFP office in Mogadishu, a WFP staff member was kidnapped by an armed group; after intensive negotiations with the kidnappers, he was released unharmed a few days later. In Mogadishu, on 21, 22 and 26 February 1994, demonstrators laid siege to the WFP compound, claiming food distributions; United Nations troops had to be deployed around the compound to protect WFP staff. On 13 June 1994, at Mogadishu, a WFP senior secretary was killed in an ambush on his way back home from the office by unidentified gunmen.

45. In the Sudan, on 4 December 1993, in the Solat Corridor (southern Sudan), in the course of delivering food supplied from a river barge in Malual (southern Sudan), an Operation Lifeline Sudan (OLS) team of WFP was threatened with firearms by an agitated crowd, but happily reason prevailed in the end. On 24 February 1994, in Attar (southern Sudan), during a United Nations relief operation by barge on the White Nile, a United Nations OLS team, including two WFP staff members, was held captive by a Sudan People's Army force; a WFP monitor was released unharmed on 27 February 1994 and a local WFP staff member was released on 2 March 1994, together with three UNICEF national staff

members. On 8 June 1994, after radio contact was lost with the barge crew on their way to Juba in southern Sudan, a light aircraft was sent for a fly-over: the pilot reported that the food on the barge was looted by a crowd and the crew kept captive. A military platoon was dispatched to the place to restore order and release the captives; the staff were subsequently released unharmed.

46. In Uganda, on 23 June 1994, an armed attack was reported on a truck convoy in northern Uganda (20 km north of Gulu); reports indicated that two WFP drivers were killed and one seriously wounded. Five trucks were burned. In Yemen, on 2 February 1994, a WFP staff member was kidnapped by unknown persons together with two UNDP staff members while travelling by car from Sana'a to Taiz; she was released two days later, unharmed.

II. RECENT CASES

47. At its latest session (late November-early December 1994), the Working Group on Arbitrary Detention invited the Vice-President of the Association for the Security and Independence of International Civil Servants to report to it on certain cases of detention of international civil servants and locally recruited United Nations staff. The Working Group decided to consider those cases and to give the issue priority.

Re-opened case

48. At the request of the wife of Cornelo Soria Espinosa, a staff member of the Economic Commission for Latin America and the Caribbean, murdered in Santiago, Chile, on 14 July 1976, and of the International Commission of Jurists, the Association for the Security and Independence of International Civil Servants approached the President of the Supreme Court of Chile to request reconsideration of the decision of a Supreme Court judge to close the Soria case. As a result of action by the President of the Republic of Chile, under a provision enabling him to request a review of a judicial decision having potential consequences for Chile's foreign relations, the case was re-opened. In a press release of 14 November 1994 (56/SA/94/225), the Secretary-General expressed the hope that that decision would facilitate a successful and long-awaited resolution of the case. He also noted that from the day of Mr. Soria's death, the United Nations had taken an active interest in the outcome of the investigation of the circumstances surrounding Mr. Soria's death and demanded that full justice be done.

Recently clarified cases

49. On 20 September 1994, four staff members of the Economic Commission for Africa, Belete Kurabachew, Tenagne Ingda Work, Amarech Mengistu and Mamo Desta, were arrested and arbitrarily detained at Addis Ababa, Ethiopia. The four staff members were released on 24 November 1994. In another case, Mr. Jiang Yue, a staff member of the International Atomic Energy Agency (IAEA), who had been prevented from returning from home leave in his country (People's Republic of China), was able to resume his post at Vienna towards the end of 1994 as a result of judgement No. 1312 (Jiang Case) of the Administrative Tribunal of the International Labour Organisation.

III. ACTION AND PROPOSALS TO FURTHER RESPECT FOR THE HUMAN RIGHTS OF INTERNATIONAL CIVIL SERVANTS, INCLUDING THOSE SERVING IN PEACE-KEEPING MISSIONS

50. Pursuant to a statement by the President of the Security Council, on behalf of the Council, on 31 March 1993, in which he stressed in particular that all competent United Nations bodies should take concerted action with a view to improving the security of United Nations forces and staff members, two draft conventions on the security of United Nations personnel were submitted to the competent bodies by New Zealand and Ukraine.

51. Ukraine presented draft elements for an international convention on the status and safety of the personnel of the United Nations force and associated civilian personnel; the delegation of New Zealand proposed a draft convention on responsibility for attacks on United Nations personnel (see E/CN.4/1994/30, annexes II and III).

52. Other proposals put forward by delegations included: more forceful actions to be taken by the Security Council, the provision to personnel of adequate protective gear, the reconfirmation of the existing principles and obligations of host Governments, improved information-gathering capacity of the Organization and the establishment of a unified compensatory system for the death and injury of peace-keeping personnel.

53. At its forty-eighth session, the Sixth Committee established a working group to discuss these issues further. Its Chairman, on 15 November 1993, stated that there was no disagreement that a new instrument should cover United Nations military personnel and civilian personnel, including staff of specialized agencies and entities having a defined legal connection with the United Nations who are employed in an operation authorized by the Security Council.

54. On 9 December 1993, the General Assembly decided to establish an ad hoc committee to elaborate an international convention on the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on them.

55. The Committee held its first session from 28 March to 8 April 1994; it had before it a joint proposal submitted by New Zealand and Ukraine (A/AC.242/L.2), a working paper submitted by Denmark, Finland, Iceland, Norway and Sweden (A/AC.242/L.3) and a note by the Secretary-General (A/AC.242/1). It decided to base its work on the joint proposal by New Zealand and Ukraine, it being understood that the "elements" of the working paper submitted by the five Nordic countries would be considered at the same time as the corresponding articles of the joint proposal.

56. The Committee held a second session from 1 to 12 August 1994. At the close of the two sessions, a revised version of a consolidated text was prepared. Introducing the revised version, the Chairman of the Committee indicated that the new text had been the result of consultations among the delegations of all the regional groups and was aimed at improving the original text to the extent possible. He noted that certain differences of opinion had not yet been eliminated, in particular concerning the nature of the operations

and categories of staff to be covered by the future instrument. While he acknowledged that the lack of agreement on the scope and definitions made discussion of the rest of the text complicated, he stressed that the uncertainties affected only a small number of articles and that it had been possible to make progress on a number of aspects.

57. In accordance with paragraph 5 of General Assembly resolution 48/37 of 9 December 1993, the Working Group established at the forty-eighth session under the agenda item "Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice" was again established on 26 September 1994 at the forty-ninth session as part of the work of the Sixth Committee. The Working Group had before it the revised version of the negotiating text produced by the Ad Hoc Committee at its two sessions.

58. On 14 October 1994, the Working Group decided to submit the text of the draft convention to the Sixth Committee for consideration and adoption. The text was adopted by the Sixth Committee and recommended to the General Assembly for adoption (A/49/742). By resolution 49/59, the General Assembly adopted the Convention on the Safety of United Nations and Associated Personnel (annex II).

59. The adoption of this Convention is a real step forward in that the problems raised by the increasing number of missions in crisis situations are taken into consideration. It should however be noted that certain bodies, including the Inter-Agency Standing Committee, had pointed out that the coverage offered by the draft convention was limited to personnel of missions decided upon by the Security Council and that it did not include all members of United Nations missions without distinction as to the type of mandate entrusted to them.

60. The Secretary-General urges the largest possible number of States to ratify the Convention.

Annex I

CONSOLIDATED LIST OF STAFF MEMBERS UNDER ARREST AND DETENTION OR MISSING AND WITH RESPECT TO WHOM THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS HAVE BEEN UNABLE TO EXERCISE FULLY THEIR RIGHT TO PROTECTION

Name	Agency	Place and date of incident
Mr. Abdala Daker Hayatli	UNRWA	Missing in the Syrian Arab Republic since 20 April 1980.
Mr. Izzedine Hussein Abu Khreish	"	Detained in the Syrian Arab Republic since 11 September 1980.
Mr. Mahmoud Hussein Ahmad	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mr. Mohammad Ali Sabbah	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mr. Daulat Mir	FAO	Detained on 28 August 1984 and subsequently conscripted into military service in Afghanistan.
Mr. Alec Collett	UNRWA	Detained in Lebanon by militias or unknown elements since 25 March 1985.
Mr. Mohammad Mustafa El-Hajj Ali	"	Missing in Lebanon since 28 November 1986. Reportedly detained by militias or unknown elements.
Mr. Saleem Hairan	FAO	Detained and conscripted on 27 January 1988 into military service in Afghanistan.
Mrs. Zainab Aw Jama Adan	WFP	Missing in Somalia since 4 June 1988.
Mr. Mohammed Omar	FAO	Detained and conscripted on 17 May 1989 into military service in Afghanistan.
Mr. Abdul Fattah	WFP	Abducted in Pakistan by unknown elements on 3 September 1989.

Name	Agency	Place and date of incident
Mr. Ahmad Mohamed Ali	WFP	Detained in Somalia by the Somali National Security Service since 25 May 1990.
Mr. Abdalla Ismail Abu Shawareb	"	Detained in the Gaza Strip since 6 November 1990.
Mr. Ghassan Musaed El Arabid	"	Detained in the Gaza Strip since 11 August 1991.
Mr. Kassu Asgedon	"	Detained in Ethiopia since 4 September 1991.
Mr. Mohammad Rajab El-Sa'afin	UNRWA	Detained in the Gaza Strip since 20 July 1992.
Mr. A/Fattah Ismail Fayyad	"	Detained in the Gaza Strip since 22 September 1992.
Mr. Mohammed Najib Madi	"	Detained in the Gaza Strip since 15 October 1992.
Mr. Amin Ali el Khatib	"	Detained in the Gaza Strip since 22 November 1992.
Mr. Hasam Hassan Abu Jray	"	Detained in the Gaza Strip since 14 February 1993.
Mr. Hasan Mohammad Hammad	"	Detained in the West Bank since 15 February 1993.
Mr. Maher Salim El Toukhi	"	Detained in the Gaza Strip since 18 February 1993.
Mr. Suliman A/Hadi Abu Rous	"	Detained in the Gaza Strip since 14 March 1993.
Mr. Sami Abdalla Abu Hmaiseh	"	Detained in the Gaza Strip since 11 April 1993.
Mr. Yousef Dawoud Shahin	"	Detained in the Gaza Strip since 2 May 1993.
Mr. Ahmad Hasan Abu Houli	"	Detained in the Gaza Strip since 3 May 1993.
Mr. Jaber Ali Wahdan	"	Detained in the Gaza Strip since 3 May 1993.
Mr. Abdel Hakim A/Rabbu Abu Houli	"	Detained in the Gaza Strip since 6 May 1993.

Name	Agency	Place and date of incident
Mr. Suliman Ibrahim Jouda	UNRWA	Detained in the Gaza Strip since 20 May 1993.
Mr. Mahmoud Arafat El Khawaja	"	Detained in the Gaza Strip since 14 June 1993.
Mr. Mahmoud Ghanem	"	Detained in the Gaza Strip since 25 June 1993.
Mr. Andualem Zeleke	ECA	Detained in Ethiopia since 25 June 1993.
Mr. Jamal Atiya Tayeh	UNRWA	Detained in the Gaza Strip since 28 June 1993.
Mr. Walid Yusuf El Zatma	"	Detained in the Gaza Strip since 9 August 1993.
Mr. Ahmad Said Ahmad Lubbad	"	Detained in the Gaza Strip since 19 August 1993.
Ms. Sara J'areh	"	Detained in the West Bank since 24 September 1993.
Mr. Rida Mahmoud Khaled	"	Detained in the West Bank since 18 October 1993.
Mr. Mani Ali El-Kurd	"	Detained in the West Bank since 25 October 1993.
Mr. Walid Jaber	"	Detained in the Gaza Strip since 5 January 1994.
Mr. Ahmnad Tawfiq Abu Hassanain	"	Detained in the Gaza Strip since 5 January 1994.
Mr. Mohammad Abbas Hassouna	"	Detained in the Gaza Strip since 10 January 1994.
Mr. Ahmad Abdel Rahman Sweilem	"	Detained in the West Bank since 11 January 1994.
Mr. Zuhair Ahmad El Qaisi	"	Detained in the Gaza Strip since 17 January 1994.
Mr. Kamal El Ghoul	"	Detained in the Gaza Strip since 17 February 1994.
Mr. Kaled Mahmound Zagout	"	Detained in the West Bank since 9 March 1994.

Name	Agency	Place and date of incident
Mr. Ayoub A/Aziz Khadoura	UNRWA	Detained in the Gaza Strip since 24 March 1994.
Mr. Khader Mahmoud Abbas	"	Detained in the Gaza Strip since 9 April 1994.
Mr. Naser Yusuf Matar	"	Detained in the West Bank since 13 April 1994.
Mr. Bassam Nihad Jarrar	"	Detained in the West Bank since 18 April 1994.
Mr. Nabil El Sawalhi	"	Detained in the Gaza Strip since 19 April 1994.
Mr. Mustafa Rashid Nakhleh	"	Detained in the West Bank since 19 April 1994.
Mr. Ghazi Mohammad Haj Asad	"	Detained in the West Bank since 21 April 1994.

Note

This consolidated list contains in chronological order the names of staff members who remained under detention or missing as of 30 June 1994. The list, however, is not compiled to provide information on all cases of staff members who have been arrested, detained or missing in the past or on the cases where staff members have lost their lives in the performance of official duties.

ANNEX II

Convention on the Safety of United Nations and Associated Personnel

The States Parties to this Convention,

Deeply concerned over the growing number of deaths and injuries resulting from deliberate attacks against United Nations and associated personnel,

Bearing in mind that attacks against, or other mistreatment of, personnel who act on behalf of the United Nations are unjustifiable and unacceptable, by whomsoever committed,

Recognizing that United Nations operations are conducted in the common interest of the international community and in accordance with the principles and purposes of the Charter of the United Nations,

Acknowledging the important contribution that United Nations and associated personnel make in respect of United Nations efforts in the fields of preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian and other operations,

Conscious of the existing arrangements for ensuring the safety of United Nations and associated personnel, including the steps taken by the principal organs of the United Nations, in this regard,

Recognizing none the less that existing measures of protection for United Nations and associated personnel are inadequate,

Acknowledging that the effectiveness and safety of United Nations operations are enhanced where such operations are conducted with the consent and cooperation of the host State,

Appealing to all States in which United Nations and associated personnel are deployed and to all others on whom such personnel may rely, to provide comprehensive support aimed at facilitating the conduct and fulfilling the mandate of United Nations operations,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention of attacks committed against United Nations and associated personnel and for the punishment of those who have committed such attacks,

Have agreed as follows:

Article 1

Definitions

For the purposes of this Convention:

(a) "United Nations personnel" means:

(i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;

(ii) Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;

(b) "Associated personnel" means:

(i) Persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;

(ii) Persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency;

(iii) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency,

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

(c) "United Nations operation" means an operation established by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control:

(i) Where the operation is for the purpose of maintaining or restoring international peace and security; or

(ii) Where the Security Council or the General Assembly has declared, for the purposes of this Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation;

(d) "Host State" means a State in whose territory a United Nations operation is conducted;

(e) "Transit State" means a State, other than the host State, in whose territory United Nations and associated personnel or their equipment are in transit or temporarily present in connection with a United Nations operation.

Article 2

Scope of application

1. This Convention applies in respect of United Nations and associated personnel and United Nations operations, as defined in article 1.

2. This Convention shall not apply to a United Nations operation authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies.

Article 3

Identification

1. The military and police components of a United Nations operation and their vehicles, vessels and aircraft shall bear distinctive identification. Other personnel, vehicles, vessels and aircraft involved in the United Nations operation shall be appropriately identified unless otherwise decided by the Secretary-General of the United Nations.

2. All United Nations and associated personnel shall carry appropriate identification documents.

Article 4

Agreements on the status of the operation

The host State and the United Nations shall conclude as soon as possible an agreement on the status of the United Nations operation and all personnel engaged in the operation including, inter alia, provisions on privileges and immunities for military and police components of the operation.

Article 5

Transit

A transit State shall facilitate the unimpeded transit of United Nations and associated personnel and their equipment to and from the host State.

Article 6

Respect for laws and regulations

1. Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, United Nations and associated personnel shall:

(a) Respect the laws and regulations of the host State and the transit State; and

(b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

2. The Secretary-General of the United Nations shall take all appropriate measures to ensure the observance of these obligations.

Article 7

Duty to ensure the safety and security of United Nations and associated personnel

1. United Nations and associated personnel, their equipment and premises shall not be made the object of attack or of any action that prevents them from discharging their mandate.

2. States Parties shall take all appropriate measures to ensure the safety and security of United Nations and associated personnel. In particular, States Parties shall take all appropriate steps to protect United Nations and associated personnel who are deployed in their territory from the crimes set out in article 9.

3. States Parties shall cooperate with the United Nations and other States Parties, as appropriate, in the implementation of this Convention, particularly in any case where the host State is unable itself to take the required measures.

Article 8

Duty to release or return United Nations and associated personnel captured or detained

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

Article 9

Crimes against United Nations and associated personnel

1. The intentional commission of:

(a) A murder, kidnapping or other attack upon the person or liberty of any United Nations or associated personnel;

(b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;

(c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;

(d) An attempt to commit any such attack; and

(e) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack,

shall be made by each State Party a crime under its national law.

2. Each State Party shall make the crimes set out in paragraph 1 punishable by appropriate penalties which shall take into account their grave nature.

Article 10

Establishment of jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in the following cases:

(a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State.

2. A State Party may also establish its jurisdiction over any such crime when it is committed:

(a) By a stateless person whose habitual residence is in that State; or

(b) With respect to a national of that State; or

(c) In an attempt to compel that State to do or to abstain from doing any act.

3. Any State Party which has established jurisdiction as mentioned in paragraph 2 shall notify the Secretary-General of the United Nations. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General of the United Nations.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to article 15 to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.

5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 11

Prevention of crimes against United Nations and associated personnel

States Parties shall cooperate in the prevention of the crimes set out in article 9, particularly by:

(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories; and

(b) Exchanging information in accordance with their national law and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 12

Communication of information

1. Under the conditions provided for in its national law, the State Party in whose territory a crime set out in article 9 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to the Secretary-General of the United Nations and, directly or through the Secretary-General, to the State or States concerned all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever a crime set out in article 9 has been committed, any State Party which has information concerning the victim and circumstances of the crime shall endeavour to transmit such information, under the conditions provided for in its national law, fully and promptly to the Secretary-General of the United Nations and the State or States concerned.

Article 13

Measures to ensure prosecution or extradition

1. Where the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person's presence for the purpose of prosecution or extradition.

2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law and without delay, to the Secretary-General of the United Nations and, either directly or through the Secretary-General, to:

(a) The State where the crime was committed;

(b) The State or States of which the alleged offender is a national or, if such person is a stateless person, in whose territory that person has his or her habitual residence;

(c) The State or States of which the victim is a national; and

(d) Other interested States.

Article 14

Prosecution of alleged offenders

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the law of that State. Those authorities shall take their decision in the same manner as in the case of an ordinary offence of a grave nature under the law of that State.

Article 15

Extradition of alleged offenders

1. To the extent that the crimes set out in article 9 are not extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the conditions provided in the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the conditions provided in the law of the requested State.

4. Each of those crimes shall be treated, for the purposes of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of article 10.

Article 16

Mutual assistance in criminal matters

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the crimes set out in article 9, including assistance in obtaining evidence at their disposal necessary for the proceedings. The law of the requested State shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations concerning mutual assistance embodied in any other treaty.

Article 17

Fair treatment

1. Any person regarding whom investigations or proceedings are being carried out in connection with any of the crimes set out in article 9 shall be guaranteed fair treatment, a fair trial and full protection of his or her rights at all stages of the investigations or proceedings.

2. Any alleged offender shall be entitled:

(a) To communicate without delay with the nearest appropriate representative of the State or States of which such person is a national or which is otherwise entitled to protect that person's rights or, if such person is a stateless person, of the State which, at that person's request, is willing to protect that person's rights; and

(b) To be visited by a representative of that State or those States.

Article 18

Notification of outcome of proceedings

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to other States Parties.

Article 19

Dissemination

The States Parties undertake to disseminate this Convention as widely as possible and, in particular, to include the study thereof, as well as relevant provisions of international humanitarian law, in their programmes of military instruction.

Article 20

Savings clauses

Nothing in this Convention shall affect:

(a) The applicability of international humanitarian law and universally recognized standards of human rights as contained in international instruments in relation to the protection of United Nations operations and United Nations and associated personnel or the responsibility of such personnel to respect such law and standards;

(b) The rights and obligations of States, consistent with the Charter of the United Nations, regarding the consent to entry of persons into their territories;

(c) The obligation of United Nations and associated personnel to act in accordance with the terms of the mandate of a United Nations operation;

(d) The right of States which voluntarily contribute personnel to a United Nations operation to withdraw their personnel from participation in such operation; or

(e) The entitlement to appropriate compensation payable in the event of death, disability, injury or illness attributable to peace-keeping service by persons voluntarily contributed by States to United Nations operations.

Article 21

Right of self-defence

Nothing in this Convention shall be construed so as to derogate from the right to act in self-defence.

Article 22

Dispute settlement

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by application in conformity with the Statute of the Court.

2. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by all or part of paragraph 1. The other States Parties shall not be bound by paragraph 1 or the relevant part thereof with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 23

Review meetings

At the request of one or more States Parties, and if approved by a majority of States Parties, the Secretary-General of the United Nations shall convene a meeting of the States Parties to review the implementation of the Convention, and any problems encountered with regard to its application.

Article 24

Signature

This Convention shall be open for signature by all States, until 31 December 1995, at United Nations Headquarters in New York.

Article 25

Ratification, acceptance or approval

This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

Article 26

Accession

This Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 27

Entry into force

1. This Convention shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 28

Denunciation

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 29

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.